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District of Arizona*

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Public Affairs
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MESA AVIATION COMPANY AND CEO CHARGED WITH VIOLATING THE ARMS EXPORT CONTROL ACT

PHOENIX- A federal grand jury in Phoenix returned a two count indictment against Floyd D. Stilwell, of Phoenix, Arizona and Marsh Aviation Company of Mesa, Arizona for a violation of the Arms Export Control Act and Conspiracy.

The indictment alleges that beginning on and before November 2005 and continuing up to February 5, 2008, Stilwell, Marsh Aviation and others contributed to the export of T-76 military aircraft engines from the United States to Venezuela for use by the Venezuelan Air Force. The T-76 engines are a designated item on the United States Munitions List which under the Arms Export Control Act makes it illegal to export without a license or written authorization from the Department of State. The T-76 aircraft engine was designed for the OV-10 Bronco Aircraft which is a Light Armed Reconnaissance Aircraft specifically suited for counter-insurgency missions.

Additionally, the indictment alleges that Stilwell and Marsh Aviation Company furnished assistance to members of the Venezuelan Air Force, including training, in the assembly, testing, repair, maintenance, modification, operation, and use of the T-76 military aircraft engine, without having obtained the necessary license or written authorization from the Department of State. As a result of the indictment, Stilwell and Marsh Aviation were summoned to appear in court.

"Our National Security depends upon U.S. companies abiding by our export laws. Failure to do so harms our national interests," said U.S. Attorney Dennis K. Burke. "I thank the FBI, ICE and the Department of Defense for their commitment to holding those who export defense articles in violation of our laws accountable for their actions."

A conviction for a violation of the Arms Export Control Act carries a maximum penalty of ten years, a \$250,000 fine, or both. A conviction for Conspiracy carries a maximum penalty of five years, a \$250,000 fine, or both. However, in determining an actual sentence, Judge Paul G. Rosenblatt will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation preceding the indictment was conducted by the Federal Bureau of Investigation, U.S. Immigration and Customs Enforcement and the U.S. Department of Defense, Defense Criminal Investigation Service. The prosecution is being handled by David A. Pimsner, Assistant U.S. Attorney, District of Arizona, Phoenix.

CASE NUMBER: CR-10-1463-PHX-PGR
RELEASE NUMBER: 2010-233(Stilwell)

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